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February 7, 2023

BY E-FILE AND HAND DELIVERY

The Honorable Sherry R. Fallon
United States District Court of Delaware
844 North King Street
Wilmington, DE 19801

Re: *Sight Sciences, Inc. v. Ivantis, Inc.*
C.A. No.: 21-1317-GBW-SRF

Dear Judge Fallon:

I write on behalf of my client, Sight Sciences, Inc. (“Sight Sciences”), in advance of the *Markman* Hearing scheduled for this Thursday, February 9, 2023, at 10:00 a.m., to submit supplemental precedential authority that supports Sight Sciences’ positions in its claim construction briefing (D.I. 118). *See* L.R. 7.1.2(b).

On January 12, 2023, after Sight Sciences served its reply claim construction brief on December 29, 2022, the United States Court of Appeals for the Federal Circuit decided *Grace Instrument Indus., LLC v. Chandler Instruments Co.*, 57 F.4th 1001 (Fed. Cir. 2023), which is attached as Exhibit A. The holding and discussion regarding indefiniteness are relevant to Sight Sciences’ arguments in the Joint Claim Construction Brief that Term 2 (“fluid may traverse the canal without substantial interference from the support” / “support does not substantially interfere with the [longitudinal / transmural] flow” / “does not significantly block fluid outflow”) and Term 4 (“wherein when the support is [disposed/inserted] within a cylindrical section of the lumen of the canal having an internal wall surface area C, the support contacts less than 30% of [the surface area of] C” are not indefinite. *See* D.I. 118 at 19-29, 33-45.

Counsel stands ready to provide any additional information that would be helpful to the Court.

Respectfully,

/s/ *Melanie K. Sharp*

Melanie K. Sharp (No. 2501)

MKS:mg

cc: All Counsel of Record (by e-mail)
30100894.1

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